

FILED AND ENTERED

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U.S. BANKRUPTCY COURT  
PATRICIA CRANE, CLERK

3-9-04  
KATHLEEN A MCDONALD, TRUSTEE  
CHAPTER 13 STANDING TRUSTEE  
302 E CARSON ST  
LAS VEGAS NV 89101  
(702) 386-5968  
Bar Code #medok

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

Re: SMITH, RAY A

) BKS-04-10130-LBR

) Chapter 13

) Debtor(s)

COREY B BECK ESQ

Hearing Date: Wed Mar 03, 2004

Attorney for Debtor(s)

Hearing Time: 2:30 PM

ORDER DISMISSING CASE AND DENIAL OF CONFIRMATION

The Trustee's Opposition to Confirmation of Plan Combined with Trustee's Recommendation of Dismissal filed in the above-captioned matter having come on for hearing, the following parties having appeared: ☒ Trustee ☐ Debtor(s) ☒ Attorney for Debtor(s) ☐ Other \_\_\_\_\_, and said Motion having been considered by this Court, and good cause appearing therefore:

IT IS HEREBY ORDERED that confirmation of the Plan is denied and that the above-captioned proceedings under Chapter 13 be DISMISSED for the following reason(s):

- ☒ Debtor(s) failed to appear [11 USC 341(a)]  
☒ Debtor(s) failed to commence Plan payments [11 USC 1326 (a) (1)]  
☐ Plan is not viable (IRS/Mortgage) [11 USC 1322]  
☐ Plan unfairly discriminates against class of general unsecured claims [11 USC 1322 (b) (1)]  
☐ The post-petition payments to secured creditors are delinquent  
☐ The proposed Plan is not feasible as the Debtor(s) lacks sufficient regular income [11 USC 109 (e)]

☒ Delinquent Plan Payments.

☐ The Trustee objects to the exemption(s) claimed [B.R. 4000(b)]. As a result of the objection, the proposed Plan fails to meet liquidation value [11 USC 1325 (a) (4)].

☐ The proposed Plan fails to provide for all of the Debtor's disposable income [11 USC 1325 (b) (1) (3)] based on \_\_\_\_\_ (i.e. luxury item, unreasonable expenses, etc.) and, as a result, the Debtor has failed to file a Plan in good faith [11 USC 1325 (a)]

☒ The debtor has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:

☒ tax returns ☒ pay stubs ☐ profit & loss statements ☐ other: \_\_\_\_\_

☒ Debtor(s) failed to timely file Schedules, Statements, and/or Plan [B.R. 1007 (a) (c)]

☐ Amendments to \_\_\_\_\_ not filed

☐ Interest on secured debt not offered [11 USC 506(b) and 1325 (a)(3)]

☐ Debtor(s) failed to comply with notice/re-notice requirements [B.R. 2002 (a) (1) B.R. 2002 (b)]

☐ The Debtor(s) is not eligible for Chapter 13 [11 USC 109 (e)(g)]

☐ The proposed Plan was not complete within 60 months [11 USC 1322 (c)]

☐ The proposed Plan does not meet liquidation value [11 USC 1325 (a) (4)]

IT IS FURTHER ORDERED that the Trustee is allowed \$ 135.- as and for expenses in the administration of this case.

DATED: \_\_\_\_\_

Submitted by: \_\_\_\_\_

UNITED STATES BANKRUPTCY JUDGE

Kathleen A. McDonald  
Kathleen A. McDonald, Trustee

Signed on: MAR 8 2004